

EXHIBIT 2

From: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>
Sent: Wednesday, August 19, 2020 4:00 PM
To: Cross, David D.
Cc: Bryan Tyson; Jonathan Crumly; Bruce Brown; Rashmi Ahuja; cichter@ichterdavis.com; Carlin, John P.; Hedgecock, Lyle F.; Kaiser, Mary; jpowers@lawyerscommittee.org; dbrody@lawyerscommittee.org; erosenberg@lawyerscommittee.org; kaye.burwell@fultoncountyga.gov; david.lowman@fultoncountyga.gov; cheryl.ringer@fultoncountyga.gov; ram@lawram.com; hknapp@khlawfirm.com; sparks@khlawfirm.com; grant.schnell@hklaw.com; Diane LaRoss; James Balli; Bryan Jacoutot; Loree Anne Paradise; Drina Miller; Vincent Russo; Alexander Denton; Carey Miller; Kim Bunch; Conaway, Jenna B.; Miriyala, Arvind S.; Manoso, Robert W.
Subject: Re: Curling, et al. v. Raffensperger, et al. - State Defendants' responses to First & Second Joint RPDs and Coalition Plaintiffs' Fourth RPDs

Sounds like a plan. Thanks.

JB

Sent from my iPhone

On Aug 19, 2020, at 3:57 PM, Cross, David D. <DCross@mofo.com> wrote:

Josh -

I don't know what your first paragraph means. In any event, let's talk at 830am. We'll circulate a dial-in. Please be prepared to submit a join discovery brief tomorrow if we can't resolve this on our call.

Thanks.
DC

From: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>
Date: Wednesday, Aug 19, 2020, 3:52 PM
To: Cross, David D. <DCross@mofo.com>
Cc: Bryan Tyson <btyson@taylorenghish.com>, Jonathan Crumly <jcrumly@taylorenghish.com>, Bruce Brown <bbrown@brucepbrownlaw.com>, Rashmi Ahuja <rahuja@taylorenghish.com>, cichter@ichterdavis.com <cichter@ichterdavis.com>, Carlin, John P. <JCarlin@mofo.com>, Hedgecock, Lyle F. <LHedgecock@mofo.com>, Kaiser, Mary <MKaiser@mofo.com>, jpowers@lawyerscommittee.org <jpowers@lawyerscommittee.org>, dbrody@lawyerscommittee.org <dbrody@lawyerscommittee.org>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, kaye.burwell@fultoncountyga.gov <kaye.burwell@fultoncountyga.gov>, david.lowman@fultoncountyga.gov <david.lowman@fultoncountyga.gov>, cheryl.ringer@fultoncountyga.gov <cheryl.ringer@fultoncountyga.gov>, ram@lawram.com <ram@lawram.com>, hknapp@khlawfirm.com

<hknapp@khlawfirm.com>, sparks@khlawfirm.com <sparks@khlawfirm.com>, grant.schnell@hklaw.com <grant.schnell@hklaw.com>, Diane LaRoss <dlaross@taylorenghish.com>, James Balli <jballi@taylorenghish.com>, Bryan Jacoutot <bjacoutot@taylorenghish.com>, Loree Anne Paradise <lparadise@taylorenghish.com>, Drina Miller <dmiller@taylorenghish.com>, Vincent Russo <vrusso@robbinsfirm.com>, Alexander Denton <Alexander.Denton@robbinsfirm.com>, Carey Miller <carey.miller@robbinsfirm.com>, Kim Bunch <Kim.Bunch@robbinsfirm.com>, Conaway, Jenna B. <JConaway@mofo.com>, Miriyala, Arvind S. <AMiriyala@mofo.com>, Manoso, Robert W. <RManoso@mofo.com>

Subject: Re: Curling, et al. v. Raffensperger, et al. - State Defendants' responses to First & Second Joint RPDs and Coalition Plaintiffs' Fourth RPDs

David:

Your email confirms what we've already come to know is uniquely applicable to this case: there is no such thing as a simple discovery call.

We are happy to talk tomorrow morning. Name a time, and we will be there. We have given you times.

In the meantime, if you have some authority indicating that there is an obligation to respond to an email in less than a 48 hours, or that it is "unreasonable" to do so under the circumstances, please let me know. We will be prepared to discuss it tomorrow.

Best regards,
JB

Sent from my iPhone

On Aug 19, 2020, at 3:43 PM, Cross, David D. <DCross@mofo.com> wrote:

Why do you need more than one or two people on a simple discovery call? Let's talk today and resolve this. We already waited a day and you knew we wanted to confer today. Obviously you have folks available today to confer. Making us wait two days isn't reasonable or consistent with your obligations.

From: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>

Date: Wednesday, Aug 19, 2020, 3:38 PM

To: Cross, David D. <DCross@mofo.com>

Cc: Bryan Tyson <btyson@taylorenghish.com>, Jonathan Crumly <jcrumly@taylorenghish.com>, Bruce Brown <bbrown@brucepbrownlaw.com>, Rashmi Ahuja <rahuja@taylorenghish.com>, cichter@ichterdavis.com <cichter@ichterdavis.com>, Carlin, John P. <JCarlin@mofo.com>, Hedgecock, Lyle F. <LHedgecock@mofo.com>, Kaiser, Mary <MKaiser@mofo.com>, jpowers@lawyerscommittee.org <jpowers@lawyerscommittee.org>, dbrody@lawyerscommittee.org <dbrody@lawyerscommittee.org>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, kaye.burwell@fultoncountyga.gov <kaye.burwell@fultoncountyga.gov>, david.lowman@fultoncountyga.gov <david.lowman@fultoncountyga.gov>, cheryl.ringer@fultoncountyga.gov <cheryl.ringer@fultoncountyga.gov>, ram@lawram.com <ram@lawram.com>,<

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Subject: Re: Curling, et al. v. Raffensperger, et al. - State Defendants' responses to First & Second Joint RPDs and Coalition Plaintiffs' Fourth RPDs

David:

Let's talk tomorrow morning. You've seen everyone's schedule.

Looking forward to it and thanks.

JB

Sent from my iPhone

On Aug 19, 2020, at 3:31 PM, Cross, David D. <DCross@mofo.com> wrote:

Bryan -

Do you really need a half dozen or more people on this call as with each other call we've had? Can't we set up a call today with just one or two of you?

Thanks.
DC

From: Bryan Tyson <btyson@taylorenghish.com>
Date: Wednesday, Aug 19, 2020, 3:26 PM
To: Cross, David D. <DCross@mofo.com>, Jonathan Crumly <jcrumly@taylorenghish.com>, Bruce Brown <bbrown@brucepbrownlaw.com>, Josh Belinfante <Josh.Belinfante@robbinsfirm.com>
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Manoso, Robert W. <RManoso@mofo.com>

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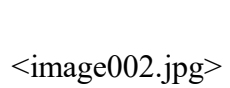
External Email

David,

We've tried to coordinate our schedules for this afternoon and cannot
find any overlapping availability. We are available from 8:30am-
10:00am tomorrow and again from 11:00-1:00pm. I'll circulate a call-in
when we find a time that works.

Thanks,

Bryan

 **Bryan P. Tyson**
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P: 678.336.7249 | M: 404.219.3160 | btyson@taylorenghish.com
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limits, and this e-mail does not constitute advice on the application of limitation periods unless
otherwise so expressly stated.

From: Cross, David D. <DCross@mofo.com>

Sent: Wednesday, August 19, 2020 2:51 PM

To: Jonathan Crumly <jcrumly@taylorenghish.com>; Bruce Brown
<bbrown@brucebrownlaw.com>; Josh Belinfante
<Josh.Belinfante@robbinsfirm.com>

Cc: Rashmi Ahuja <rahuja@taylorenghish.com>;
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grant.schnell@hklaw.com; Bryan Tyson <btyson@taylorenghish.com>;
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Manoso, Robert W. <RManoso@mofo.com>

Subject: RE: Curling, et al. v. Raffensperger, et al. - State Defendants'
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RPDs

Jonathan -

As I understand it, you've not appeared in the case that had a
hearing today and weren't involved in that hearing. Why couldn't
you respond yesterday?

Your email is unclear. You state that any responsive documents
withheld will be included on a privilege log, implying that you
intend to produce all responsive documents unless they're
privileged. But you then go on to say that you don't know what
scope of documents you intend to produce and imply you may
stand on some of your objections to withhold documents we've
requested. In short, we're still left guessing as to what you consider
the "non-objectionable scope" of each request, which violates the
Court's Standing Order. This is especially improper given you
assert objections the Court already dismissed as meritless and a
waste of time, and the objections are boilerplate in any event.

We do indeed know the scope of expedited document discovery —
it's laid out in the Court's Order requiring expedited document
discovery from your clients. You don't need a new PI motion to
determine that.

When are you free to confer by phone on this today? I'm free after
330.

Thanks.
DC

From: Jonathan Crumly <jcrumly@taylorenglish.com>
Date: Wednesday, Aug 19, 2020, 2:24 PM
To: Cross, David D. <DCross@mofo.com>, Bruce Brown <bbrown@brucepbrownlaw.com>, Josh Belinfante <Josh.Belinfante@robbinsfirm.com>
Cc: Rashmi Ahuja <rahuja@taylorenglish.com>, cichter@ichterdavis.com <cichter@ichterdavis.com>, Carlin, John P. <JCarlin@mofo.com>, Hedgecock, Lyle F. <LHedgecock@mofo.com>, Kaiser, Mary <MKaiser@mofo.com>, jpowers@lawyerscommittee.org <jpowers@lawyerscommittee.org>, dbrody@lawyerscommittee.org <dbrody@lawyerscommittee.org>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, kaye.burwell@fultoncountyga.gov <kaye.burwell@fultoncountyga.gov>, david.lowman@fultoncountyga.gov <david.lowman@fultoncountyga.gov>, cheryl.ringer@fultoncountyga.gov <cheryl.ringer@fultoncountyga.gov>, ram@lawram.com <ram@lawram.com>, hknapp@khlawfirm.com <hknapp@khlawfirm.com>, sparks@khlawfirm.com <sparks@khlawfirm.com>, grant.schnell@hklaw.com <grant.schnell@hklaw.com>, Bryan Tyson <btyson@taylorenglish.com>, Diane LaRoss <dlaross@taylorenglish.com>, James Balli <jballi@taylorenglish.com>, Bryan Jacoutot <bjacoutot@taylorenglish.com>, Loree Anne Paradise <lparadise@taylorenglish.com>, Drina Miller <dmiller@taylorenglish.com>, Vincent Russo <vrusso@robbinsfirm.com>, Alexander Denton <Alexander.Denton@robbinsfirm.com>, Carey Miller <carey.miller@robbinsfirm.com>, Kim Bunch <Kim.Bunch@robbinsfirm.com>, Conaway, Jenna B. <JConaway@mofo.com>, Miriyala, Arvind S. <AMiriyala@mofo.com>, Manoso, Robert W. <RManoso@mofo.com>
Subject: RE: Curling, et al. v. Raffensperger, et al. - State Defendants' responses to First & Second Joint RPDs and Coalition Plaintiffs' Fourth RPDs

External Email

David,

It's a pleasure meeting you by email.

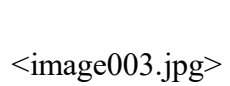
At this stage, the State defendants were obligated to get their objections on record or risk losing the right to assert them. While our clients are still compiling responsive documents, I can assure you that based on the information we have been provided that some documents will be produced in response to each of the individual requests which were part of Judge Totenberg's order on expedited discovery. To the extent any responsive documents are withheld they will be included in a privilege log that will be provided. Neither the documents nor the privilege log are due until August 26, at the earliest.

As for whether documents would have been produced but for the objections, that is exceedingly hard to address at this stage for a few reasons. First, our clients are still diligently searching for responsive

documents for us to review so we did not know as of the date written responses were due, and even today, the full scope of available responsive documents, objections or otherwise. Second, this diligent search began in the middle of an election. Third, Plaintiffs have not filed their new motion for preliminary injunction yet so it would appear that neither side is fully apprised of what the scope for expedited discovery truly is right now.

It seems to me it will be a little difficult for either party to assess if there is any genuine discovery dispute until everyone sees the documents and privilege log, if any.

Granted, I'm new to this case so it is possible I have missed something which is driving your angst over these issues. If you still believe this warrants a conference call, let us know.

 **Jonathan Crumly**
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From: Cross, David D. <DCross@mofo.com>
Sent: Wednesday, August 19, 2020 1:26 PM
To: Bruce Brown <bbrown@brucepbrownlaw.com>; Josh Belinfante <Josh.Belinfante@robbinsfirm.com>
Cc: Rashmi Ahuja <rahuja@taylorenghish.com>; cichter@ichterdavis.com; Carlin, John P. <JCarlin@mofo.com>; Hedgecock, Lyle F. <LHedgecock@mofo.com>; Kaiser, Mary <MKaiser@mofo.com>; jpowers@lawyerscommittee.org; dbrody@lawyerscommittee.org; erosenberg@lawyerscommittee.org; kaye.burwell@fultoncountyga.gov; david.lowman@fultoncountyga.gov; cheryl.ringer@fultoncountyga.gov; ram@lawram.com; hknapp@khlawfirm.com; sparks@khlawfirm.com; grant.schnell@hklaw.com; Bryan Tyson <btyson@taylorenghish.com>; Jonathan Crumly <jcrumly@taylorenghish.com>; Diane LaRoss <dlaross@taylorenghish.com>; James Balli <jballi@taylorenghish.com>; Bryan Jacoutot <bjacoutot@taylorenghish.com>; Loree Anne Paradise <lparadise@taylorenghish.com>; Drina Miller <dmiller@taylorenghish.com>; Vincent Russo <vrusso@robbinsfirm.com>; Alexander Denton <Alexander.Denton@robbinsfirm.com>; Carey Miller <carey.miller@robbinsfirm.com>; Kim Bunch <Kim.Bunch@robbinsfirm.com>; Conaway, Jenna B.

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RPDs

Josh –

I understand your hearing ended about half an hour ago. When will you
get back to us on this? If we can't resolve this today, we'll need to get
help from the Court.

Thanks,
DC

From: Bruce Brown <bbrown@brucepbrownlaw.com>
Sent: Tuesday, August 18, 2020 4:50 PM
To: Cross, David D. <DCross@mofo.com>; Josh Belinfante
<Josh.Belinfante@robbinsfirm.com>
Cc: Rashmi Ahuja <rahuja@taylorenghish.com>;
cichter@ichterdavis.com; Carlin, John P. <JCarlin@mofo.com>;
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External Email

Josh and Bryan –

My firm is busy too, but we need to keep moving on this discovery. However, I would not even know where to start because, in complete disregard for Judge Totenberg's Standing Order, you do not tell us what you are producing and what you are withholding. In boilerplate objections, you say everything is objectionable. Then you say that non-objectionable documents will be produced. I have no idea what documents would be in dispute. In fact, your responses could reasonably be read to say we will get all responsive non-privileged documents or no responsive documents (whether or not privileged).

Judge Totenberg addresses this exact problem and, the way I read her Standing Order, prohibits these kinds of responses:

Finally, a party who objects to a discovery request but then responds to the request must indicate whether the response is complete, i.e., whether additional information or documents would have been provided but for the objection(s). For example, in response to an interrogatory, a party is not permitted to raise objections and then state, "Subject to these objections and without waiving them, the response is as follows . . ." unless the party expressly indicates whether additional information would have been included in the response but for the objection(s).

So while I agreed with David that we need to tee up a discovery dispute, I would not know where to start because I do not know which documents you are producing or which documents you are withholding. I know your teams are busy, but this is something that should have been done before you served your objectionable objections.

So please comply with Judge Totenberg's Standing Order and produce the documents you are going to produce and identify the documents that you are not producing and tell us why. But we need the production to start immediately.

Thanks,

Bruce

From: "Cross, David D." <DCross@mofo.com>
Date: Tuesday, August 18, 2020 at 3:47 PM
To: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>
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"david.lowman@fultoncountyga.gov"
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 <RManoso@mofo.com>

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So you're not going to tell us today what you anticipate producing, if anything, in response to these requests (given the responses include a litany of objections and no articulation of what the "non-objectionable scope" of any request is)?

And none of the many other lawyers representing your clients in this case can provide that required disclosure today or confer with us tomorrow morning?

From: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>
Sent: Tuesday, August 18, 2020 3:42 PM
To: Cross, David D. <DCross@mofo.com>
Cc: Rashmi Ahuja <rahuja@taylorenghish.com>;
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kaye.burwell@fultoncountyga.gov; david.lowman@fultoncountyga.gov;
cheryl.ringer@fultoncountyga.gov; ram@lawram.com;
hknapp@khlawfirm.com; sparks@khlawfirm.com;
grant.schnell@hklaw.com; Bryan Tyson <btyson@taylorenghish.com>;
 Jonathan Crumly <jcrumly@taylorenghish.com>; Diane LaRoss
 <dlaross@taylorenghish.com>; James Balli <jballi@taylorenghish.com>;
 Bryan Jacoutot <bjacoutot@taylorenghish.com>; Loree Anne Paradise
 <lparadise@taylorenghish.com>; Drina Miller

<dmiller@taylorenghish.com>; Vincent Russo
<vrusso@robbinsfirm.com>; Alexander Denton
<Alexander.Denton@robbinsfirm.com>; Carey Miller
<carey.miller@robbinsfirm.com>; Kim Bunch
<Kim.Bunch@robbinsfirm.com>; Conaway, Jenna B.
<JConaway@mofo.com>; Miriyala, Arvind S. <AMiriyala@mofo.com>;
Manoso, Robert W. <RManoso@mofo.com>

Subject: Re: Curling, et al. v. Raffensperger, et al. - State Defendants' responses to First & Second Joint RPDs and Coalition Plaintiffs' Fourth RPDs

David:

Let me clarify for you. Lead counsel all have a preliminary injunction hearing tomorrow for different clients.

Our hearing starts at 10 and should be over well before 2. I can't stop you from going to the Court. That's your call.

Thanks

JB

Sent from my iPhone

On Aug 18, 2020, at 3:36 PM, Cross, David D.

<DCross@mofo.com> wrote:

From External Sender

Josh –

Your client has a lot of lawyers on this case – many more than we do in fact. Obviously not everyone is unavailable to provide the information required of you by the Federal Rules and the Court's Order, which you've had ample time to prepare. You cannot unilaterally delay these proceedings because some (or even "most") of you are busy with other matters, as we all are. If you won't provide what's required of you, then we'll have to alert the Court to avoid further delays. It would help advance the ball if you would forgo such wasteful measures to begin with, as we – and the Court – have asked.

Please confirm whether you will provide the requisite response for each request today or, alternatively, will confer with us tomorrow morning, with the aim of filing a joint discovery brief with the Court by tomorrow afternoon should that be necessary.

Thanks,
DC

From: Josh Belinfante
<Josh.Belinfante@robbinsfirm.com>
Sent: Tuesday, August 18, 2020 3:31 PM
To: Cross, David D. <DCross@mofo.com>
Cc: Rashmi Ahuja <rahuja@taylorenghish.com>;
cichter@ichterdavis.com;
bbrown@brucepbrownlaw.com; Carlin, John P.
<JCarlin@mofo.com>; Hedgecock, Lyle F.
<LHedgecock@mofo.com>; Kaiser, Mary
<MKaiser@mofo.com>;
jpowers@lawyerscommittee.org;
dbrody@lawyerscommittee.org;
erosenberg@lawyerscommittee.org;
kaye.burwell@fultoncountyga.gov;
david.lowman@fultoncountyga.gov;
cheryl.ringer@fultoncountyga.gov; ram@lawram.com;
hknapp@khlawfirm.com; sparks@khlawfirm.com;
grant.schnell@hklaw.com; Bryan Tyson
<btyson@taylorenghish.com>; Jonathan Crumly
<jcrumly@taylorenghish.com>; Diane LaRoss
<dlaross@taylorenghish.com>; James Balli
<jballi@taylorenghish.com>; Bryan Jacoutot
<bjacoutot@taylorenghish.com>; Loree Anne Paradise
<lparadise@taylorenghish.com>; Drina Miller
<dmiller@taylorenghish.com>; Vincent Russo
<vrusso@robbinsfirm.com>; Alexander Denton
<Alexander.Denton@robbinsfirm.com>; Carey Miller
<carey.miller@robbinsfirm.com>; Kim Bunch
<Kim.Bunch@robbinsfirm.com>; Conaway, Jenna B.
<JConaway@mofo.com>; Miriyala, Arvind S.
<AMiriyala@mofo.com>; Manoso, Robert W.
<RManoso@mofo.com>
Subject: Re: Curling, et al. v. Raffensperger, et al. - State
Defendants' responses to First & Second Joint RPDs and
Coalition Plaintiffs' Fourth RPDs

David:

Most of us on the state side have a preliminary
injunction hearing tomorrow. We will respond after
that.

Thanks,
JB

Sent from my iPhone

On Aug 18, 2020, at 3:27 PM, Cross,
David D. <DCross@mofo.com> wrote:

From External Sender

Counsel –

These objections are improper. They do not comply with the Federal Rules or the Court's Order requiring expedited discovery on many of these requests, which expressly rejected as improper some of the very same objections asserted again here. The responses provide no clear indication of what you will produce, if anything, or when. There's no specification of what you consider the "non-objectionable scope" of any request, leaving us guessing as to what we will get, if anything. Again, the Court already granted a motion to compel discovery on an expedited basis in response to the very same requests and admonished you for wasting everyone's time, which it appears you're doing again with these objections.

Please provide by COB today a clear, unambiguous statement of what you consider the "non-objectionable scope" of each request for purposes of your anticipated production and when you will produce any such documents. If you decline to provide that, please provide your availability to meet and confer tomorrow morning so we may promptly get this before the Court for relief.

Thanks,
DC

From: Rashmi Ahuja
<rahuja@taylorenghish.com>
Sent: Tuesday, August 18, 2020 3:14 PM
To: cichter@ichterdavis.com;
bbrown@brucepbrownlaw.com; Cross,
David D. <DCross@mofo.com>; Carlin,
John P. <JCarlin@mofo.com>;
Hedgecock, Lyle F.
<LHedgecock@mofo.com>; Kaiser,
Mary <MKaiser@mofo.com>;
jpowers@lawyerscommittee.org;
dbrody@lawyerscommittee.org;
erosenberg@lawyerscommittee.org;

kaye.burwell@fultoncountyga.gov;
david.lowman@fultoncountyga.gov;
cheryl.ringer@fultoncountyga.gov;
ram@lawram.com;
hknapp@khlawfirm.com;
sparks@khlawfirm.com;
grant.schnell@hklaw.com

Cc: Bryan Tyson

<btyson@taylorenghish.com>; Jonathan
Crumly <jcrumly@taylorenghish.com>;

Diane LaRoss

<dlaross@taylorenghish.com>; James

Balli <jballi@taylorenghish.com>; Bryan
Jacoutot

<bjacoutot@taylorenghish.com>; Loree

Anne Paradise

<lpadise@taylorenghish.com>; Drina

Miller <dmiller@taylorenghish.com>;

Vincent Russo

<vrusso@robbinsfirm.com>;

jbelinfante@robbinsfirm.com;

adenton@robbinsfirm.com;

cmiller@robbinsfirm.com; Kim Bunch

<Kim.Bunch@robbinsfirm.com>

Subject: Curling, et al. v. Raffensperger,
et al. - State Defendants' responses to
First & Second Joint RPDs and Coalition
Plaintiffs' Fourth RPDs

External Email

Dear Counsel:

Attached please find the following:

- 1) State Defendants' Objections
and Responses to Plaintiffs'
Joint Request for Production of
Documents and Inspection of
Things to State Defendants;
- 2) State Defendants' Objections
and Responses to Plaintiffs'
Second Joint Request for
Production of Documents and
Inspection of Things to State
Defendants; and
- 3) State Defendants' Objections
and Responses to Coalition
Plaintiffs' Fourth Request for
Production of Documents

Sincerely,
Rashmi

<image001.jpg>

Rashmi Ahuja | Paralegal

Taylor English Duma LLP | 1600 Parkwood Circle, Suite 200, A

P: 404.640.5944 | rahuja@taylorenghish.com

[Website](#)

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